

Assembly Bill No. 1859

Passed the Assembly August 18, 2008

Chief Clerk of the Assembly

Passed the Senate August 7, 2008

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 496e to the Penal Code, relating to theft, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1859, Adams. Theft: fire hydrant parts.

(1) Existing law provides that every person who buys or receives any property that has been stolen or that has been obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, or who conceals, sells, withholds, or aids in concealing, selling, or withholding any property from the owner, knowing the property to be so stolen or obtained, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

This bill would specifically provide that any person who buys or receives, for purposes of salvage, any part of a fire hydrant or fire department connection that has been stolen or obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, shall, in addition to any other penalty provided by law, be subject to a criminal fine of not more than \$3,000. By creating a new crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 496e is added to the Penal Code, to read:

496e. Any person who buys or receives, for purposes of salvage, any part of a fire hydrant or fire department connection, including, but not limited to, bronze or brass fittings and parts,

that has been stolen or obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, shall, in addition to any other penalty provided by law, be subject to a criminal fine of not more than three thousand dollars (\$3,000).

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to discourage the theft of parts of fire hydrants and fire department connections, so that they are operative and immediately available to fire personnel to protect life and property from fires, it is necessary that this act take effect immediately.

Approved _____, 2008

Governor